

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jay S. WALKER, et al.

Customer No.: 22927

For: METHOD, SYSTEM AND COMPUTER
PROGRAM PRODUCT FOR
FACILITATING AN AUCTION BEHAVIOR
AND AUTOMATIC BIDDING IN AN
AUCTION

Examiner: Not yet assigned

Serial No.: Not yet assigned

Group Art Unit: Not yet assigned

Filing Date: March ____, 2000

Docket No.: 99-062



Assistant Commissioner for Patents
Washington, DC 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching.

- A. U. S. Patent No. 4,789,928 entitled "AUCTION INFORMATION TRANSMISSION PROCESSING", issued to Fujisaki on December 6, 1988.
- B. U. S. Patent No. 4,799,156 entitled "INTERACTIVE MARKET MANAGEMENT SYSTEM", issued to Shavit et al. on January 17, 1989.
- C. U. S. Patent No. 5,253,165 entitled "COMPUTERIZED RESERVATIONS AND SCHEDULING SYSTEM", issued to Leiseca et al. on October 12, 1993.
- D. U. S. Patent No. 5,270,921 entitled "VIRTUAL FAR METHODS FOR A COMPUTERIZED AIRLINE SEAT INVENTORY CONTROL SYSTEM", issued to Hornick on December 14, 1993.
- E. U. S. Patent No. 5,634,055 entitled "METHOD FOR SELECTING ASSIGNMENTS", issued to Barnewall et al. on May 27, 1997.
- F. U. S. Patent No. 5,758,328 entitled "COMPUTERIZED QUOTATION SYSTEM AND METHOD", issued to Giovannoli on May 26, 1998.
- G. U. S. Patent No. 5,794,207 entitled "METHOD AND APPARATUS FOR A CRYPTOGRAPHICALLY ASSISTED COMMERCIAL NETWORK SYSTEM DESIGNED TO FACILITATE BUYER DRIVEN CONDITIONAL PURCHASE OFFERS", issued to Walker et al. on August 11, 1998.
- H. U. S. Patent No. 5,826,244 entitled "METHOD AND SYSTEM FOR PROVIDING A DOCUMENT SERVICE OVER A COMPUTER NETWORK USING AN AUTOMATED BROKERED AUCTION", issued to Huberman on October 20, 1998.
- I. U. S. Patent No. 5,835,896 entitled "METHOD AND SYSTEM FOR PROCESSING AND TRANSMITTING ELECTRONIC AUCTION INFORMATION", issued to Fisher et al. on November 10, 1998.
- J. U. S. Patent No. 5,839,114 entitled "AUTOMATED SYSTEM FOR SELECTING AN INITIAL COMPUTER RESERVATION SYSTEM", issued to Lynch et al. on November 17, 1998.
- K. U. S. Patent No. 5,873,071 entitled "COMPUTER METHOD AND SYSTEM FOR INTERMEDIATED EXCHANGE OF COMMODITIES", issued to Ferstenberg et al. on February 16, 1999.
- L. Bid Maker, The Convenient Way to Win, www.onsale.com/tools/bidmaker.htm, Download Date: June 8, 1999.

- M. American Airlines Internet Silent Auction: Rules for American Airlines Silent Auction, www.webmaster@americanair.com.
- N. U. S. Patent No. 5,890,138 entitled "COMPUTER AUCTION SYSTEM", issued to Godin et al. on March 30, 1999.
- O. U. S. Patent No. 5,897,620 entitled "METHOD AND APPARATUS FOR THE SALE OF AIRLINE-SPECIFIED FLIGHT TICKETS", issued to Walker et al. on April 27, 1999.
- P. U. S. Patent No. 5,905,975 entitled "COMPUTER IMPLEMENTED METHODS AND APPARATUS FOR AUCTIONS", issued to Ausubel on May 18, 1999.
- Q. Ebay: Proxy Bidding, www.pages.ebay.com/aw/help/help-t-bid-prxy.htmlChen, Download Date: June 9, 1999.
- R. Auction Works: About CompuBid, www.auctionworks.com/compubid.html, Download Date: June 4, 1999.
- S. Travel Facts Auction: Frequently Asked Questions, www.bid4travel.com/faq.htm#compubid, Download Date: June 4, 1999.
- T. Emaze Auction, www.emaze.com/auction.cfm, Download Date: June 19, 1999.
- U. OpenSite Auction Software: Corporate 40, www.opensite.com/products/software/corporate.html, Download Date: June 19, 1999.
- V. "The Growth of Pricing: Key Profit Center", Professional Pricing Society, 10th Anniversary Spring Pricing Conference, Orlando, FL, www.pricing-advisor.com/conf_agm.html, Download Date: June 19, 1999.
- W. BoxLot Online Auction: Review Auction & Bidding Formats, www.boxlot.com/formats.html, Download Date: September 22, 1999.
- X. Oberndorf, "Information Highway Robbery; Brief Article", Catalog Age, December 1, 1998, No. 13, Vol. 15; Pg. 59.
- Y. "Interactive Public Relations & Marketing News: News Briefs", June 26, 1998, Vol. 5, No. 13.
- Z. "Emaze Software Releases First Cold Fusion-Based Auction Program", PR Newswire, August 18, 1998.
- AA. DiDio, "Airmax Management Package Keeps Vacant Seats to Minimum", Computerworld – Corporate Strategies, pg 29.
- BB. Feldman, "Reclaiming Control; New Software to Close Gap Between Projected and Actual Revenues", Air Transport World, August 1995, Vol. 32; No. 8; Pg. 35.

- CC. Feldman, "Pricing and Cybersales; Internet Airline Ticket Sales and Reservations", Air Transport World, February, 1998, No. 2; Vol. 35; page 64.
- DD. Salomon Brothers' Maldutis Says Internet is Aviation's "Third Revolution," Will Earn Billions", World Airline News, March 21, 1997, Vol. 7, No 12.
- EE. Adyanthaya, "Revenue Management, the Black Art", Interavia Business & Technology, September, 1998, No. 623; Vol. 53; Pg. 43.
- FF. UBid Online Auction: UBid Help Pages, www.ubid.com/help/auctions_bidbutler.asp,
Download Date: June 8, 1999.
- GG. Amazon.com Auction Help: Bidder's Guide,
www.auctions.amazon.com/exec/varzea/ts/help/bidding-by-proxy/002-0187463-5892847.
Download Date: June 8, 1999.

1. ☐ Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Continuation, ☐ Divisional or ☐ Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. _____, filed _____.
2. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☐ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
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The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application.

5. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - ☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
 - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
 - ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
6. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action),

and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.

7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
 - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
 - ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
 - ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.
10. ☐ I hereby certify:
- ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

- ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

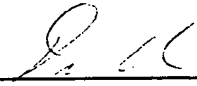
11. ☐ Please accept payment of the fees due as indicated below:

- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

Respectfully submitted,

March 10, 2000
Date



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